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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY:

DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

June 2008 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

CESAR HERNANDEZ,

Defendant.

Criminal Case No. **08 CR 2783 JM**

I N D I C T M E N T

Title 8, U.S.C., Secs. 1326(a)  
and (b) - Attempted Entry After  
Deportation; Title 18, U.S.C.,  
Sec. 1546(a) - Fraud and  
Misuse of Entry Document

The grand jury charges:

Count 1

On or about June 8, 2008, within the Southern District of California, defendant CESAR HERNANDEZ, an alien, knowingly and intentionally attempted to enter the United States of America with the purpose, i.e., conscious desire, to enter the United States, after having been previously excluded, deported and removed from the United States to Mexico, and not having obtained the express consent of the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security to reapply for admission thereto; and committed an overt act that was a substantial step toward entering the United States, that is, crossed the border between Mexico and the United States; all in violation of Title 8, United States Code, Sections 1326(a) and (b).

1 It is further alleged that defendant CESAR HERNANDEZ was removed  
2 from the United States subsequent to February 28, 2007.

3 Count 2

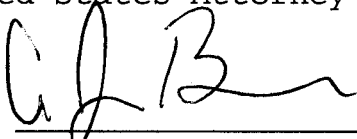
4 On or about June 8, 2008, within the Southern District  
5 of California, defendant CESAR HERNANDEZ, did knowingly  
6 and willfully possess a document prescribed by statute or regulation  
7 for entry, namely, a Border Crossing card, in the name of Isauro  
8 Roberto Albarran Martinez Cairo, knowing and having reason to know  
9 that said document was unlawfully obtained; in violation of Title 18,  
10 United States Code, Section 1546(a).

11 DATED: August 20, 2008.

12 A TRUE BILL:

13  
14   
15 Foreperson

16 KAREN P. HEWITT  
17 United States Attorney

18 By:   
19 CARLA J. BRESSLER  
20 Assistant U.S. Attorney  
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